

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF
NORTH CAROLINA
MISC. NO. 1: 07-MC-18**

**IN RE: ALLOCATION OF CRIMINAL AND CIVIL CASES FROM
THE ASHEVILLE , BRYSON CITY, AND SHELBY DIVISIONS
ORDER**

The following case assignment allocations will be applied in the Asheville, Bryson City and Shelby Divisions and supercede all other prior orders as they may relate to these divisions. Unless specifically stated otherwise, these case assignment allocations are effective *September 17, 2007*.

1. All Asheville, Bryson City and Shelby Division criminal cases will be assigned to Judge Thornburg.
2. Any criminal case filed in these divisions in which Judge Thornburg must recuse himself due to a conflict shall be assigned first to Judge Reidinger, then to Judge Voorhees, then to Judge Whitney, and then to Chief Judge Conrad.
3. Judge Thornburg shall be assigned all civil cases from these divisions, except for death penalty cases which are the subject of a separate order.
4. Any civil case in which Judge Thornburg has a conflict shall be reassigned in the following order taking into consideration potential conflicts: Judge Reidinger, then to Senior Judge Mullen, then to Judge Voorhees, then to Judge Whitney, and then to Chief Judge Conrad.
5. Judge Thornburg shall continue to be assigned all 28 U.S.C. § 2255 actions in which he was the presiding judge in the underlying criminal case.
6. Senior Judge Mullen shall be assigned all prisoner pro se cases filed pursuant to 42 U.S.C. § 1983 and 28 U.S.C. § 2254 (non-death penalty cases).
7. Non-consent civil cases are referred to Magistrate Judge Howell for all pretrial proceedings. Consent cases will be handled by Magistrate Judge Howell for all purposes and in all respects. Pretrial matters in criminal cases are referred to Magistrate Judge Howell.
8. Judge Thornburg shall identify any civil cases from the Asheville, Bryson City and Shelby Divisions which are to be reassigned to Judge Reidinger.

9. The rules for allocating criminal cases where a previous assignment has occurred are stated in Miscellaneous Order No. 3: 07-MC-61.

The Clerk is directed to serve copies of this Order to all district court judges, all magistrate judges, the United States Attorney, the Chief United States Probation Officer, the United States Marshal, all deputy clerks and all court reporters.

IT IS SO ORDERED, this 17th day of September, 2007.

s/Robert J. Conrad, Jr.
Robert J. Conrad, Jr., Chief
United States District Court Judge

s/Richard L. Voorhees
Richard L. Voorhees
United States District Judge

s/LH Thornburg
Lacy H. Thornburg
United States District Judge

s/Frank D. Whitney
Frank D. Whitney
United States District Judge